REMARKS

By this amendment, claims 1, 2, 4, 6, and 8-10 have been amended to remove means plus function language. No new matter is added. Claims 1-20 are pending in this application.

Applicant gratefully appreciates the Examiner's indication that claims 2, 3, 6, 7, 8, 9, 12, 13, and 16-19 would be allowed if amended into dependent form. However, in view of the following remarks, Applicant respectfully submits that all of the pending claims of this application contain allowable subject matter.

I. Rejection under 35 U.S.C. §102

The Office Action rejects claims 1, 4, 5, 10, 11, 14, 15 and 20 under 35 U.S.C. §102(e) over Yasuda et al (U.S. Patent Application Publication No. 2002/0150016). This rejection is respectfully traversed.

The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131. The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicant's independent claim 1 recites, an optical disk unit having reproducer for reproducing information recorded in an information recording layer of an optical disk, comprising: a laser beam source; an aberration corrector to correct a spherical aberration by adjusting the diverging or converging angle of a laser beam emitted from the laser beam source; an objective lens to condense the laser beam and form a condensed beam spot on the information recording layer; a focus controller having a moving mechanism to move the objective lens along an optical axis of the laser beam, the focus controller moving the objective lens so that the condensed beam spot focuses on the information recording layer; a detector capable of allowing the focus controller to move the objective lens by a predetermined distance from an in-focus

position in a first direction, allowing the reproducer to reproduce a random signal having a plurality of amplitudes and periods from an optional area of the information recording layer, extracting a specific portion having a specific amplitude or period from the reproduced random signal or an interpolated signal thereof, finding a first amplitude value in the specific portion, allowing the focus controller to move the objective lens by the predetermined distance from the in-focus position in a second direction that is opposite to the first direction, allowing the reproducer to reproduce a random signal having a plurality of amplitudes and periods from the optional area of the information recording layer, extracting a specific portion having a specific amplitude or period from the reproduced random signal or an interpolated signal thereof, and finding a second amplitude value from the specific portion; and a control unit capable of controlling the aberration corrector so that the difference between the first amplitude value and the second amplitude value approaches zero.

In particular, the claim's detector obtains the first and second amplitude values by extracting a specific portion having a specific amplitude or period from the reproduced random signal having a plurality of amplitudes and periods reproduced by the reproducer. Further, the control unit controls the aberration corrector so that the difference between the first amplitude value and the second amplitude value approaches zero.

These features are not found in Yasuda. Rather, Yasuda compares the first amplitude FE0 of the focus error signal with the second amplitude FE1 thereof, as described in terms of the operation of Fig. 11, for example, and discussion of paragraph [0159]. The steps of comparing are repeated until the amplitude of the focus error signal reaches a maximum and then the spherical aberration correction is set as the optimal spherical aberration correction.

The focus error signal is a signal having positive and negative predetermined levels as shown in Yasuda's Figs. 7A and 7B, and thus is not a random signal having a plurality of amplitudes an periods. As illustrated in Yasuda's Fig. 6, the focus controller 10f generates the focus error signal and the aberration correction controller 10a1 generates a random signal having a plurality of amplitudes and periods.

This approach is different from the Applicant's claimed approach, as the Applicant's approach does not use the focus error signal but a random signal having a plurality of periods in order to obtain the optimal spherical aberration correction. Therefore, Yasuda uses a different signal to obtain the optimal aberration correction. Accordingly, maximizing the amplitude of the focus error signal in Yasuda's description does not mean controlling the aberration correction controller so that the difference between the first amplitude value and the second amplitude value approaches zero. Since Yasuda uses a different signal and different scheme to arrive at the optimal spherical aberration correction, Yasuda does not disclose or render obvious the Applicant's claimed subject matter.

Applicant's independent claims 5, 10, 11, 15, 18 and 20 recite novel subject matter similar to that discussed above for independent 1. Thus, these independent claims are also not anticipated or rendered obvious by Yasuda.

Dependent claims 2-4, 6-9, 12-14 and 16-17 depend on the above independent claims, and therefore are also not anticipated or obvious in view of Yasuda.

Therefore, for at least the above reasons, Applicant requests the withdrawal of this rejection.

CONCLUSION

In light of the foregoing, Applicant submits that the application is in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner call the undersigned.

Respectfully submitted,
THE NATH LAW GROUP

July 17, 2008

THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314-2891
Tel: 703-548-6284
Fax: 703-683-8396

Gary M. Nath
Registration No. 26,965
Jerald L. Meyer
Registration No. 41,194
Jonathan A. Kidney
Registration No. 46,195
Customer No. 20529